



# **General regulatory chamber – explanatory leaflet**

## **First-tier tribunal (claims management services)**

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## **1. Introduction**

This leaflet provides guidance for users of the First-tier Tribunal (Claims Management Services). It should be read in conjunction with The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 as amended, that regulate the procedure of the Tribunal (see section 9 below for a link to the Tribunal Rules). The leaflet is not a substitute for the primary legislation or Tribunal Rules. If you are not sure of your position or your options, you should seek legal or other professional advice.

## **2. What is the First-tier Tribunal (claims management services)?**

The Claims Management Services Tribunal is an independent judicial body established under the Compensation Act 2006. The Tribunal hears appeals arising from certain decisions issued by the Claims Management Services Regulator (the Regulator). The business or the individuals to whom the decision is directed have the right to appeal the matter to the Tribunal.

Since 18 January 2010, appeals from disputed decisions made by the Claims Regulator are to the General Regulatory Chamber of the First-tier Tribunal. The First-tier Tribunal (Claims Management Services) is one of a number of jurisdictions that are within that Chamber.

The First-tier Tribunal (Claims Management Services) is administered by the Tribunals Service, an agency of the Ministry of Justice, under the judicial lead of a Principal Judge. The Tribunal Judges are all legally qualified and the lay members must have special experience of regulatory matters. The administration is based in Leicester (see section 8 below for full address and contact details) but historically, most hearings have been in London. The Tribunal though, can sit anywhere in the United Kingdom and will do so in appropriate cases.

The Jurisdiction of the Tribunal covers England and Wales only.

## **3. With what types of cases does the Claims Management Services Tribunal deal?**

The Tribunal hears appeals arising from certain decisions issued by the Regulator. Appeals are by way of re-hearing. Disputed decisions could be; the refusal of an application for authorisation, authorisation granted subject to conditions, cancellation or suspension of an authorisation or terms and conditions imposed on an authorisation. The Tribunal however only has the functions conferred upon it under the Act. This means that an appeal may only be made to the Tribunal if the Act specifically provides that a person may appeal the matter to the Tribunal.

## **4. Is there a fee for appealing a matter to the First-tier Tribunal (Claims Management Services)?**

The Tribunal does not charge any fee for dealing with appeals made to it. Your own costs in preparing your appeal will depend on the difficulty of your case and whether you handle it yourself or instruct a representative (see also paragraph 2.7 relating to representation). Public funding is not available for appeals to the Claims Management Services Tribunal.

## **5. How are cases begun?**

Cases begin with the appellant or authorised representative completing and sending an appeal notice to the Tribunal with all the information required by Rule 22 of the Tribunal Rules. A form is available from the Tribunal for this purpose or from the Tribunal's website, the address of which can be found on page 9. You are not bound to use this form as long as they provide all the information specified in the Tribunal Rules. A notice of appeal can include or be accompanied by a request for directions. If you authorise someone to represent you, the Tribunal will send all subsequent correspondence to your representative. If yours or your representative's address changes during the course of the case the Tribunal must be told.

The person, firm or company making an appeal is the appellant; the Claims Management Regulator is known as the respondent in the appeal. The appellant and the respondent are known collectively as the parties to the appeal.

The staff at the Tribunal will answer queries made by phone, email, fax or post and will advise you about procedural matters. They cannot advise you on the merits of your case or how to prepare it. If you want that sort of advice, you should seek professional help from a solicitor or other qualified person. Citizens Advice Bureaux or other advisers experienced in regulatory tribunals might also be of assistance.

The Bar Pro Bono Unit, a national charity linking barristers prepared to undertake pro-bono work with those who need their help, might be able to help an appellant with their case.

The Tribunal does not endorse and cannot recommend any particular organisation as a source of advice. It is a matter for you whether or not to seek advice or to accept it, if offered.

## **6. Is there a time limit for making an appeal?**

Yes. You should normally send or deliver your notice of appeal to the Tribunal so that the Tribunal receives it within 28 days of the date that the Claims Management Regulator sent their decision to you. If you lodge your appeal outside that time limit, you can ask the Tribunal to extend it. There is a space on the notice of appeal form for that. You will have to give the Tribunal reasons for the delay and it will then make a decision on the request.

## **7. What happens next?**

The full procedure is set out in the Tribunal Rules. On receipt of the notice of appeal, the Tribunal will send a copy of the notice of appeal, with accompanying documents, to the Claims Management Regulator. When the Regulator receives it, they must send or deliver to the Tribunal a response so that it is received within 28 days after the date on which the Regulator received the notice of appeal. At the same time, the Regulator must send or deliver a copy of the response and any accompanying documents to the appellant.

The Regulator's response must include a statement as to whether they (Regulator) opposes the appellant's case and, if so, any grounds for such opposition that are not contained in another document provided with the response. The Claims Management Regulator may include a request for directions with its response.

You may make a written submission and provide further documents in reply to the Regulator's response but you do not have to. If you choose to do so, any reply and accompanying documents must be sent or delivered to the Tribunal within 14 days of the date on which the Regulator, or the Tribunal, send the Regulator's response to you or a later date with the Tribunal's agreement. You must send any reply to the Regulator when they provide the reply to the Tribunal.

## **8. What happens if a party applies for directions?**

Either party may apply to the Tribunal for directions. They are formal orders of the Tribunal that govern the conduct and the timing of the proceedings. A party wishing to make a separate application for directions should do so by writing to the Tribunal giving the Tribunal reference number and the reasons for the directions that they are seeking. The Tribunal may also make directions on its own initiative.

## **9. Will there be a hearing of the appeal?**

Normally, yes. In some cases, the Tribunal may direct that a pre-hearing review be held in order to identify and resolve any matters that appear to be in dispute and that need to be settled before the main hearing can take place.

## **10. Can an appeal be withdrawn or settled?**

Yes. At any time before the hearing, an appellant may withdraw an appeal by sending or delivering written notice to that effect to the Tribunal. It is similarly possible for the Claims Management Regulator to state that it does not oppose the appeal or that it is withdrawing its opposition to it by sending or delivering written notice to that effect to the Tribunal. Notice of withdrawal of their case by either party will not take effect until the Tribunal consents to the withdrawal. Either party may give notice of the withdrawal of its case orally at the hearing.

## **11. How long will an appeal take?**

It varies depending on the circumstances of each case. The Tribunal deals with appeals as quickly as it can and aims to finish 75% of cases within 50 weeks of receipt of the notice of appeal. If the parties provide all the necessary documents by the specified times and attend the hearing on the date set by the Tribunal, a decision may be reached within this period. For some appeals, especially if they are large or complex, parties may find that getting their cases ready for hearing could take longer.

## **12. Do I need to instruct a representative?**

You may conduct your own case and appear on your own behalf at the hearing, or be represented by another person whether or not that person is legally qualified. Exceptionally, in some cases, the Tribunal may refuse to allow a person to assist or represent a party at the hearing if it is satisfied there are good reasons for doing so.

### **13. Where and when will the appeal be heard?**

As soon as both parties have had a proper opportunity to prepare their case and it is ready for hearing, the Tribunal will arrange for the date of the hearing to be set and consult both parties about their availability and that of their witnesses and representatives. In planning for the hearing, the Tribunal will expect all those involved to make themselves available within a reasonable timescale. The Tribunal will encourage parties to agree a date but if they cannot, the Tribunal reserves the right to impose a date. The Tribunal will decide where the hearing will take place, however you may express a preference if you have one. The Tribunal will try to accommodate such requests but may not always be able to do so. Once the arrangements have been settled, the Tribunal will send a notice to the parties setting out the date, time and place of the hearing.

The Tribunal will give each party hearing reasonable notice of the time and place of the hearing, in the case of the main hearing, at least 14 days, but the Tribunal may give shorter notice with the parties' consent or in urgent or exceptional circumstances.

### **14. Is a hearing formal?**

The hearing room is likely to be similar in layout to a small courtroom. A judge of the First-tier Tribunal sits at the front of the room to chair the hearing, normally with two other Tribunal members. The parties sit at tables next to each other and facing the judge.

Tribunal proceedings are as informal as possible consistent with the requirements of the Tribunal Rules and the nature of the proceedings. Neither the judge nor the representatives of the parties wear robes or wigs.

On the day of the hearing the parties are advised to arrive a before the appointed time so that they can make themselves known to the Tribunal clerk, familiarise themselves with the hearing room layout and have their documentation in order.

### **15. Will the hearing be in public?**

Hearings are generally held in public. That means that any member of the public and press may attend but the Tribunal may decide that a hearing, or part of it, is to be held in private. The Tribunal maintains a list of forthcoming hearings on its website [www.justice.gov.uk](http://www.justice.gov.uk)

### **16. What if a party fails to attend the hearing?**

If a party fails to attend a hearing the Tribunal may proceed with the hearing if it is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing and if the Tribunal considers that it is in the interests of justice to proceed with the hearing.

## **17. What if a party wishes to postpone a hearing?**

The Tribunal is usually reluctant to postpone a hearing but if it is essential for a party to seek a postponement:

- (i) The party concerned or their representative should immediately ask the Tribunal for a postponement, if necessary by telephone, e-mail or fax;
- (ii) The party seeking the postponement should state in writing their reasons for it,
- (iii) They should be prepared to agree an alternative hearing date when they and their witnesses will be ready; and
- (iv) If the reason for seeking a postponement includes illness the party concerned should be prepared to supply a medical certificate to the Tribunal.

## **18. Witnesses**

Either party may arrange for witnesses to attend the hearing and give evidence in support of their case. It is up to the party to arrange for their witnesses to attend. If the other party does not dispute the evidence of a witness, it can be presented in writing (a 'witness statement') but it is preferable that all disputed evidence is given in person at a hearing. In the case of the appellant, they should consult the Claims Management Regulator if they think a witness statement might be acceptable to them. Likewise the Claims Management Regulator may consult the appellant about the evidence of any of their witnesses. The Tribunal may, on the application of a party or on its own initiative, require a person to attend as a witness by means of a witness summons. The Tribunal may also order any person to answer any questions or produce any documents in that person's possession or control which relate to any issue in the proceedings.

## **19. What happens at the end of the hearing?**

The Tribunal might give a decision orally at the hearing but normally the decision will be reserved and given in writing at a later date.

## **20. Will there be a written decision?**

Yes. The Tribunal will provide to each party, as soon as reasonably practical after making a decision that disposes of all issues in the proceedings, a notice giving the Tribunal's decision; written reasons for the it and notification of any right of appeal against the decision of the Tribunal and the time and manner in which, such right of appeal may be exercised

## **21. Can a party be asked to pay costs?**

The usual rule in the Tribunal is that each party bears its own legal and other costs regardless of the outcome of the appeal. A party to an appeal may be ordered to pay costs if the Tribunal considers that the party has acted unreasonably in bringing, defending or conducting the proceedings.

## **22. The register of appeals and publication of decisions of the Tribunal**

The Tribunal maintains a register of appeals received and their outcome. It also publishes its decisions. They are on the website [www.justice.gov.uk](http://www.justice.gov.uk)

## **23. Application to set aside the decision**

The Tribunal may set aside a decision disposing of proceedings, or part of such a decision, and re-make the decision or the relevant part of it, if it Tribunal considers that it is in the interests of justice to do so and if:

- (i) a relevant document in the case has not been sent to or received in time by a party or their representative; or
- (ii) a relevant document was not sent to the Tribunal in time; or
- (iii) a party or a party's representative was not present at the hearing; or
- (iv) there was some other procedural irregularity in the proceedings.

A party applying for a decision or part of a decision to be set aside must make a written application to the Tribunal so that they receive it no later than 28 days after the date on which the Tribunal sent notice of the decision to the party.

## 24. Application for permission to appeal the Tribunal's decision

Although either party can seek to appeal the decision of the Tribunal to the Upper Tribunal (Administrative Appeals Chamber), they must first apply to the First-tier Tribunal (Claims Management Services) for permission to appeal. An application by a party for permission to appeal to the Upper Tribunal must be sent or delivered to the First-tier Tribunal (Claims Management Services) so that it is received no later than 28 days after the Tribunal sends written reasons for its decision to the party, or notification of amended reasons for or correction of the decision following a review, or notification that an application for the decision to be set aside has been unsuccessful.

On receipt of an application for permission to appeal, the First-tier Tribunal (Claims Management Services) will first consider whether to review its decision based on the reasons given by the party wishing to appeal. A further decision may be issued following a review. The First-tier Tribunal (Claims Management Services) will send a record of its decision to the parties as soon as possible.

An application form for permission to appeal to the Upper Tribunal is available on request from the First-tier Tribunal (Claims Management Services) or on its website.

An appeal to the Upper Tribunal can only be brought on the grounds that there has been an error or errors of law in the decision of the First-tier Tribunal. An appeal to the Upper Tribunal **cannot** be brought against any of the following decisions of the First-tier Tribunal

- (i) A decision to review, or not to review, an earlier decision of the Tribunal.
- (ii) A decision to take no action, or not to take any particular action, in the light of a review of an earlier decision of the Tribunal.
- (iii) A decision to set aside an earlier decision of the Tribunal.
- (iv) A decision to refer, or not to refer, a matter to the Upper Tribunal.
- (v) A decision of the Tribunal that is set aside on review, including a decision set aside after proceedings on an appeal have been begun.

## 25. If you are given permission to appeal to the Upper Tribunal

It is the responsibility of the party to whom permission has been granted to appeal to the Upper Tribunal, to make the appeal to the Upper Tribunal. That party should do so without delay because they have just **one month** from being given permission to appeal to provide a notice of appeal to the Upper Tribunal. Contact details for the Upper Tribunal are given below.



## **26. If you are refused permission to appeal to the Upper Tribunal**

If the First-tier Tribunal (Claims Management Services) decides that a review is not appropriate and if it refuses your application to appeal to the Upper Tribunal, you can apply directly to the Upper Tribunal for permission to appeal. To do this you should contact:

Upper Tribunal (Administrative Appeals Chamber)

5th Floor Rolls Building

7 Rolls Buildings

Fetter Lane

London EC4A 1NL

Tel: 020 7071 5662

Fax: 020 7071 5663

DX: DX160042 STRAND 4

Email: [adminappeals@hmcts.gsi.gov.uk](mailto:adminappeals@hmcts.gsi.gov.uk)

## **27. Complaints and comments**

If you have any complaints about the service you have received from the staff of the First-tier Tribunal (Claims Management Services) you can, under the Tribunals Service administrative complaints procedure, contact the office that dealt with your case and explain why you are unhappy with the service you have received. A member of staff will talk to you about your complaint and try to resolve it immediately. If this is not possible, he or she will aim to respond to you within 10 working days. That response will include details of who to contact if you are not satisfied and wish to escalate the complaint.

The Tribunals Service guide to giving feedback, whether positive or negative, can be found on its website. Neither the Tribunal Manager nor the Customer Service Unit can deal with complaints about judicial decisions. If you are dissatisfied with the decision made after the hearing of your appeal, you can request the Tribunal to review its decision or apply for permission to appeal to the Upper Tribunal as mentioned above.

## **28. Contact information for the First-tier Tribunal (Claims Management Services)**

The address of the Tribunal is:

HM Courts & Tribunals Service  
First-tier Tribunal (Claims Management Services)  
General Regulatory Chamber  
PO Box 9300  
Leicester  
LE1 8DJ

Telephone: 0300 12345 04

E-mail: [GRC.claimsmanagement@hmcts.gsi.gov.uk](mailto:GRC.claimsmanagement@hmcts.gsi.gov.uk)

Fax: 0116 249 4253

Website: [www.justice.gov.uk](http://www.justice.gov.uk)

You are welcome to contact the Tribunal on the above number with any queries you may have but be aware that this number is a call centre for several tribunals. You must make it clear to the operator that you want to speak to a member of the Claims Management Team at Leicester.

The website has a link to the Claims Management Services. The website includes links to the relevant legislation and the notice of appeal form which can be used to make an appeal.

## **29. Useful law**

Compensation Act 2006

The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (S.I. 2009 No. 1976).